

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Substitute for Senate Bill No. 782, Page 1, in the Title, by deleting the phrase  
2 "certification by the American Board for Certification of Teacher Excellence" and inserting in lieu  
3 thereof the word "elementary and secondary education"; and  
4

5 Further amend said page, Section A, Line 2, by inserting immediately after said line the following:  
6

7 "161.825. 1. This section shall be known and may be cited as "Bryce's Law".

8 2. As used in this section, the following terms mean:

9 (1) "Autism spectrum disorder", pervasive developmental disorder; Asperger syndrome;  
10 childhood disintegrative disorder; Rett syndrome; and autism;

11 (2) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real  
12 property;

13 (3) "Department", the department of elementary and secondary education;

14 (4) "Director", the commissioner of education;

15 (5) "Dyslexia therapy", an appropriate specialized dyslexia instructional program that is  
16 systematic, multisensory, and research-based offered in a small group setting to teach students the  
17 components of reading instruction including but not limited to phonemic awareness,  
18 graphophonemic knowledge, morphology, semantics, syntax, and pragmatics, instruction on  
19 linguistic proficiency and fluency with patterns of language so that words and sentences are carriers  
20 of meaning, and strategies that students use for decoding, encoding, word recognition, fluency and  
21 comprehension delivered by qualified personnel;

22 [(5)] (6) "Educational scholarships", grants to students or children to cover all or part of the  
23 tuition and fees at a qualified nonpublic school, a qualified public school, or a qualified service  
24 provider, including transportation;

25 [(6)] (7) "Eligible child", any child from birth to age five living in Missouri who has an  
26 individualized family services program under the first steps program, sections 160.900 to 160.933,  
27 and whose parent or guardian has completed the complaint procedure under the Individuals with  
28 Disabilities Education Act, Part C, and has received an unsatisfactory response; or any child from  
29 birth to age five who has been evaluated for [special] qualifying needs as defined in this section by a  
30 person qualified to perform evaluations under the first steps program and has been determined to  
31 have [special needs] a qualifying need but who falls below the threshold for eligibility by no less

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1 than twenty-five percent;

2 [(7)] (8) "Eligible student", any elementary or secondary student who attended public school  
3 in Missouri the preceding semester, or who will be attending school in Missouri for the first time,  
4 who has an individualized education program based on a [special] qualifying needs condition or who  
5 has a medical or clinical diagnosis by a qualified health professional of a [special] qualifying needs  
6 condition which in the case of dyslexia, may be based on the C-TOPP assessment as an initial  
7 indicator of dyslexia and confirmed by further medical or clinical diagnosis;

8 [(8)] (9) "Parent", includes a guardian, custodian, or other person with authority to act on  
9 behalf of the student or child;

10 [(9)] (10) "Program", the program established in this section;

11 [(10)] (11) "Qualified health professional", a person licensed under chapter 334 or 337 who  
12 possesses credentials as described in rules promulgated jointly by the department of elementary and  
13 secondary education and the department of mental health to make a diagnosis of a student's [special]  
14 qualifying needs for this program and in the case of a clinician providing dyslexia therapy, the term  
15 also includes a nationally certified academic language therapist;

16 [(11)] (12) "Qualified school", either an accredited public elementary or secondary school in  
17 a district that is accredited without provision outside of the district in which a student resides or an  
18 accredited nonpublic elementary or secondary school in Missouri that complies with all of the  
19 requirements of the program and complies with all state laws that apply to nonpublic schools  
20 regarding criminal background checks for employees and excludes from employment any person not  
21 permitted by state law to work in a nonpublic school;

22 [(12)] (13) "Qualified service provider", a person or agency authorized by the department to  
23 provide services under the first steps program, sections 160.900 to 160.933;

24 (14) "Qualifying needs", an autism spectrum disorder, Down Syndrome, Angelman  
25 Syndrome, cerebral palsy, or dyslexia;

26 (15) "Scholarship granting organization", a charitable organization that:

27 (a) Is exempt from federal income tax;

28 (b) Complies with the requirements of this program;

29 (c) Provides education scholarships to students attending qualified schools of their parents'  
30 choice or to children receiving services from qualified service providers; and

31 (d) Does not accept contributions on behalf of any eligible student or eligible child from any  
32 donor with any obligation to provide any support for the eligible student or eligible child[;

33 (14) "Special needs", an autism spectrum disorder, Down Syndrome, Angelman Syndrome,  
34 or cerebral palsy].

35 3. The department of elementary and secondary education shall develop a master list of  
36 resources available to the parents of children with an autism spectrum disorder or dyslexia and shall  
37 maintain a web page for the information. The department shall also actively seek financial resources  
38 in the form of grants and donations that may be devoted to scholarship funds or to clinical trials for  
39 behavioral interventions that may be undertaken by qualified service providers. The department may  
40 contract out or delegate these duties to a nonprofit organization. Priority in referral for funding shall  
41 be given to children who have not yet entered elementary school.

1           4. The director shall determine, at least annually, which organizations in this state may be  
2 classified as scholarship granting organizations. The director may require of an organization seeking  
3 to be classified as a scholarship granting organization whatever information [which] that is  
4 reasonably necessary to make such a determination. The director shall classify an organization as a  
5 scholarship granting organization if such organization meets the definition set forth in this section.

6           5. The director shall establish a procedure by which a donor can determine if an organization  
7 has been classified as a scholarship granting organization. Scholarship granting organizations shall  
8 be permitted to decline a contribution from a donor.

9           6. Each scholarship granting organization shall provide information to the director  
10 concerning the identity of each donor making a contribution to the scholarship granting organization.

11           7. (1) The director shall annually make a determination on the number of students in  
12 Missouri with an individualized education program based upon [special] qualifying needs as defined  
13 in this section. The director shall use ten percent of this number to determine the maximum number  
14 of students to receive scholarships from a scholarship granting organization in that year for students  
15 with [special] qualifying needs who have at the time of application an individualized education  
16 program, plus a number calculated by the director by applying the state's latest available autism,  
17 cerebral palsy, Down Syndrome, [and] Angelman Syndrome, and dyslexia incidence rates to the  
18 state's population of children from age five to nineteen who are not enrolled in public schools and  
19 taking ten percent of that number. The total of these two calculations shall constitute the maximum  
20 number of scholarships available to students.

21           (2) The director shall also annually make a determination on the number of children in  
22 Missouri whose parent or guardian has enrolled the child in first steps, received an individualized  
23 family services program based on [special] qualifying needs, and filed a complaint through the  
24 Individuals with Disabilities Education Act, Part C, and received [a negative] an unsatisfactory  
25 response. In addition to this number, the director shall apply the latest available autism, cerebral  
26 palsy, Down Syndrome, [and] Angelman Syndrome, and dyslexia incidence rates to the latest  
27 available census information for children from birth to age five and determine ten percent of that  
28 number for the maximum number of scholarships for children.

29           (3) The director shall publicly announce the number of each category of scholarship  
30 opportunities available each year. Once a scholarship granting organization has decided to provide a  
31 student or child with a scholarship, it shall promptly notify the director. The director shall keep a  
32 running tally of the number of scholarships granted in the order in which they were reported. Once  
33 the tally reaches the annual limit of scholarships for eligible students or children, the director shall  
34 notify all of the participating scholarship granting organizations that they shall not issue any more  
35 scholarships and any more receipts for contributions. If the scholarship granting organizations have  
36 not expended all of their available scholarship funds in that year at the time when the limit is  
37 reached, the available scholarship funds may be carried over into the next year. These unexpended  
38 funds shall not be counted as part of the requirement in subdivision (3) of subsection [10] 8 of this  
39 section for that year. Any receipt for a scholarship contribution issued by a scholarship granting  
40 organization before the director has publicly announced the student or child limit has been reached  
41 shall be valid. Beginning with school year 2016-17, the director may adjust the allocation of the

proportion of scholarships using information on unmet need and use patterns from the previous school years. The director shall provide notice of the change to the state board of education for its approval.

8. Each scholarship granting organization participating in the program shall:

(1) Notify the department of its intent to provide educational scholarships to students attending qualified schools or children receiving services from qualified service providers;

(2) Provide a department-approved receipt to donors for contributions made to the organization;

(3) Ensure that at least ninety percent of its revenue from donations is spent on educational scholarships, and that all revenue from interest or investments is spent on educational scholarships;

(4) Ensure that the scholarships provided do not exceed an average of twenty thousand dollars per eligible child or fifty thousand dollars per eligible student;

(5) Inform the parent or guardian of the student or child applying for a scholarship that accepting the scholarship is tantamount to a parentally placed private school student pursuant to 34 CFR 300.130 and, thus, neither the department nor any Missouri public school is responsible to provide the student with a free appropriate public education pursuant to the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973;

(6) Distribute periodic scholarship payments as checks made out to a student's or child's parent and mailed to the qualified school where the student is enrolled or qualified service provider used by the child. The parent or guardian shall endorse the check before it can be deposited;

(7) Cooperate with the department to conduct criminal background checks on all of its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;

(8) Ensure that scholarships are portable during the school year and can be used at any qualified school that accepts the eligible student or at a different qualified service provider for an eligible child according to a parent's wishes. If a student moves to a new qualified school during a school year or to a different qualified service provider for an eligible child, the scholarship amount may be prorated;

(9) Demonstrate its financial accountability by:

(a) Submitting a financial information report for the organization that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant; and

(b) Having the auditor certify that the report is free of material misstatements;

(10) Demonstrate its financial viability, if the organization is to receive donations of fifty thousand dollars or more during the school year, by filing with the department before the start of the school year:

(a) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(b) Financial information that demonstrates the financial viability of the scholarship granting organization.

9. Each scholarship granting organization shall ensure that each participating school or

1 service provider that accepts its scholarship students or children shall:

2 (1) Comply with all health and safety laws or codes that apply to nonpublic schools or  
3 service providers;

4 (2) Hold a valid occupancy permit if required by its municipality;

5 (3) Certify that it will comply with 42 U.S.C. Section 1981, as amended;

6 (4) Provide academic accountability to parents of the students or children in the program by  
7 regularly reporting to the parent on the student's or child's progress;

8 (5) Certify that in providing any educational services or behavior strategies to a scholarship  
9 recipient with a medical or clinical diagnosis of or an individualized education program based upon  
10 autism spectrum disorder it will:

11 (a) Adhere to the best practices recommendations of the Missouri Autism Guidelines  
12 Initiative or document why it is varying from the guidelines;

13 (b) Not use any evidence-based interventions that have been found ineffective by the  
14 [commission on Medicare] centers for Medicare and Medicaid services as described in the Missouri  
15 Autism Guidelines Initiative guide to evidence-based interventions; and

16 (c) Provide documentation in the student's or child's record of the rationale for the use of any  
17 intervention that is categorized as unestablished, insufficient evidence, or level 3 by the Missouri  
18 Autism Guidelines Initiative guide to evidence-based interventions; and

19 (6) Certify that in providing any educational services or behavior strategies to a scholarship  
20 recipient with a medical or clinical diagnosis of, or an individualized family services program based  
21 upon Down Syndrome, Angelman Syndrome, [or] cerebral palsy, or dyslexia, it will use student,  
22 teacher, teaching, and school influences that rank in the zone of desired effects in the meta-analysis  
23 of John Hattie, or equivalent analyses as determined by the department, or document why it is using  
24 a method that has not been determined by analysis to rank in the zone of desired effects.

25 10. Scholarship granting organizations shall not provide educational scholarships for  
26 students to attend any school or children to receive services from any qualified service provider with  
27 paid staff or board members who are relatives within the first degree of consanguinity or affinity.

28 11. A scholarship granting organization shall publicly report to the department, by June first  
29 of each year, the following information prepared by a certified public accountant regarding its grants  
30 in the previous calendar year:

31 (1) The name and address of the scholarship granting organization;

32 (2) The total number and total dollar amount of contributions received during the previous  
33 calendar year; and

34 (3) The total number and total dollar amount of educational scholarships awarded during the  
35 previous calendar year, including the category of each scholarship, and the total number and total  
36 dollar amount of educational scholarships awarded during the previous year to students eligible for  
37 free and reduced lunch.

38 12. The department shall adopt rules and regulations consistent with this section as necessary  
39 to implement the program.

40 13. The department shall provide a standardized format for a receipt to be issued by a  
41 scholarship granting organization to a donor to indicate the value of a contribution received.

1           14. The department shall provide a standardized format for scholarship granting  
2 organizations to report the information in this section.

3           15. The department may conduct either a financial review or audit of a scholarship granting  
4 organization.

5           16. If the department believes that a scholarship granting organization has intentionally and  
6 substantially failed to comply with the requirements of this section, the department may hold a  
7 hearing before the director or the director's designee to bar a scholarship granting organization from  
8 participating in the program. The director or the director's designee shall issue a decision within  
9 thirty days. A scholarship granting organization may appeal the director's decision to the  
10 administrative hearing commission for a hearing in accordance with the provisions of chapter 621.

11           17. If the scholarship granting organization is barred from participating in the program, the  
12 department shall notify affected scholarship students or children and their parents of this decision  
13 within fifteen days.

14           18. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
15 under the authority delegated in this section shall become effective only if it complies with and is  
16 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
17 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
18 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
19 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
20 August 28, 2013, shall be invalid and void.

21           19. The department shall conduct a study of the program with funds other than state funds.  
22 The department may contract with one or more qualified researchers who have previous experience  
23 evaluating similar programs. The department may accept grants to assist in funding this study.

24           20. The study shall assess:

25           (1) The level of participating students' and children's satisfaction with the program in a  
26 manner suitable to the student or child;

27           (2) The level of parental satisfaction with the program;

28           (3) The percentage of participating students who were bullied or harassed because of their  
29 special needs status at their resident school district compared to the percentage so bullied or harassed  
30 at their qualified school;

31           (4) The percentage of participating students who exhibited behavioral problems at their  
32 resident school district compared to the percentage exhibiting behavioral problems at their qualified  
33 school;

34           (5) The class size experienced by participating students at their resident school district and at  
35 their qualified school; and

36           (6) The fiscal impact to the state and resident school districts of the program.

37           21. The study shall be completed using appropriate analytical and behavioral sciences  
38 methodologies to ensure public confidence in the study.

39           22. The department shall provide the general assembly with a final copy of the evaluation of  
40 the program by December 31, 2016.

41           23. The public and nonpublic participating schools and service providers from which

1 students transfer to participate in the program shall cooperate with the research effort by providing  
2 student or child assessment instrument scores and any other data necessary to complete this study.

3 24. The general assembly may require periodic updates on the status of the study from the  
4 department. The individuals completing the study shall make their data and methodology available  
5 for public review while complying with the requirements of the Family Educational Rights and  
6 Privacy Act, as amended.

7 [25. Under section 23.253 of the Missouri sunset act:

8 (1) The provisions of the new program authorized under this section shall sunset  
9 automatically on December 31, 2019, unless reauthorized by an act of the general assembly; and

10 (2) If such program is reauthorized, the program authorized under this section shall sunset  
11 automatically on December 31, 2031; and

12 (3) This section shall terminate on December thirty-first of the calendar year immediately  
13 following the calendar year in which the program authorized under this section is sunset.]; and

14 Further amend said bill by amending the title, enacting clause, and intersectional references  
15 accordingly.  
16  
17